



Janet Napolitano
Governor

William R. Martin, III, M.D.
Chair

Timothy C. Miller, J.D.
Executive Director

Arizona Medical Board

9545 E. Doubletree Ranch Road • Scottsdale, AZ 85258-5514

Douglas D. Lee, M.D.
Vice-Chair

Amanda J. Diehl, M.P.A., C.P.M.
Deputy Executive Director

Telephone: 480-551-2700 • Toll Free: 877-255-2212 • Fax: 480-551-2704

Website: www.azmd.gov • E-Mail: questions@azmd.gov

Dona Pardo, Ph.D., R.N.
Secretary

May 30, 2007

Randy Yavitz
Hunter Humphrey & Yavitz Plc
410 N 44th St Ste 320
Phoenix AZ 85008-7606

RE: **J.W. v Jay S. Nemiro, M.D.**
Case # MD-06-0493A

Dear Mr. Yavitz:

The purpose of this letter is to inform you that during the course of the May 18, 2007, public meeting, the Arizona Medical Board (Board) reviewed the above-referenced complaint and all pertinent evidence and information gathered during the investigation. At the conclusion of its review, the Board voted to issue Jay S. Nemiro, M.D. this Advisory Letter for failure to document discussion regarding ZIFT versus IVF when providing informed consent. There is insufficient evidence to support discipline.

An advisory letter is a non-disciplinary action, and is not subject to review by either the Board or the Courts. See *Murphy v. Board of Medical Examiners of the State of Arizona*, 190 Ariz. 441, 949 P.2d 530 (App. 1997). However, the licensee may file a written response to the letter with the Board within thirty days after its receipt A.R.S. § 32-1451(E)(2). If timely received, the response will be attached to the advisory letter and maintained in the licensee's permanent file. The written response will also be hyperlinked to the licensee's profile on the agency's website.

Thank you for taking time out of your schedule to address the Board. Complaints brought before the Board are taken seriously and your input into the adjudication process, on behalf of your client, is appreciated.

Sincerely,

A handwritten signature in black ink that reads "Mary Bober".

Mary Bober
Board Coordinator
E-Mail: boardcoordinator@azmd.gov
Phone: (480) 551-2820
Fax: (480) 551-2705

cc: Permanent File